P.R. No. 427/06
Presented by Shri Anupam Dubey
dated 15/12/06

(1)
(13)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

MISC. APPEAL NO. 294 / 2006 Single Bench

APPELLANT PLAINTIFF	:	Deepak Kumar Wadhawani aged about 29 years, S/o Shri Gyanchand , R/o Avanti Vihar, Raipur , Tah. & Distt. Raipur (CG)
		Vs
RESPONDENT DEFENDANT	:	Satyapal Sharma S/o Late. Shri Ganga Vishnu Sharma aged about 73 years, R/o New Shanti Nagar, Raipur , Tah. & Distt Raipur (C.G.)

MISC. APPEAL UNDER ORDER 43 RULE 1 (w) OF THE CIVIL PROCEDURE CODE 1908.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Misc Appeal 294/ सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08.03.2006 Shri Sachin Singh Rajput, counsel for the appellant. Heard on admission and M.(C.)P.No.354/2006 for stay. Appellant filed a suit for specific performance of a contract alleging that respondent entered into an agreement on 18.05.2005 to sell his immovable property i.e. land and building situated at Raipur for a consideration of Rs.28,00,000/- (Rupees twenty eight lacs) and received earnest money of Rs.1,10,000/- (Rupees one lac ten thousand). He also filed an application under Order XXXIX Rule 1 & 2 of the CPC for grant of interim injunction. Learned trial Court after evaluating the material on record held that principal of balance of convenience and irreparable loss does not find favour of the appellant, therefore, vide impugned order dated 19.01.2006, dismissed the application. From perusal of agreement to sale it is evident that registered sale deed was to be executed under the direction of appellant either in his own name or in the name of others and for whole or in parts. Admittedly, the house and land belong to respondent who is in possession of the same. Therefore, taking into consideration the nature of the document and various reasons assigned by the trial Court, I am of the opinion that balance of convenience and irreparable loss does not find favour of the appellant.	

[पाछे देखिये

(41)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M A 294 सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the result, the appeal is liable to be dismissed summarily and is dismissed in limine. Accordingly, M.(C.)P.No.354/2006 stands disposed of. However, taking into consideration the nature of the dispute, the trial Court is directed to expedite the disposal of the case early, preferably within one year from today. Sd/- V.K.Shrivastava Judge	

padma